

REMARKS / ARGUMENTS

Reconsideration and withdrawal of the Examiner's rejection of the above-identified application is respectfully requested in view of the foregoing amendments and following remarks. Claims 9, 10, 12 and 13 are in the application. Claim 9 has been amended. No new matter has been added.

Applicant submits herewith a new Power of Attorney, appointing Collard & Roe to represent him in this application. Applicant also submits herewith a Petition to Revive an Unintentionally Abandoned Application.

The Examiner rejected claims 9, 10, 12 and 13 under 35 U.S.C. § 112. Applicant has amended claim 9 to overcome these rejections.

The Examiner rejected claims 9, 10 and 13 under 35 U.S.C. § 102 as being anticipated by *Baker*, and rejected claim 12 as being unpatentable over *Baker*. Applicant respectfully traverses. Applicant has amended claim 9 to clarify that the offers are conveyed to the individual in response to the determination of

which offers are suitable for the individual. Support for this amendment can be found in the specification on pages 7 and 10.

In contrast, the patent to *Baker* requires that the individual contact the coupon provider by calling the coupon provider (see col. 7, lines 12-16). With the present invention, the offer is sent directly to the subscriber without the need for the subscriber to make a call. By eliminating the need for the subscriber to act in this situation, the coupon providers can target individuals who may not be actively seeking the offers, but who might use the offers if they were presented to them. Amended claim 1 makes clear that the offer is presented to the individual in response to the system determining which offers are appropriate, and not in response to an individual's call or accessing a website. In most states, having a driver of a vehicle call in to a number on a geopositioning system would violate the law. Therefore, this distinction is clear and of practical and legal significance. No new matter is conveyed in this clarification.

Accordingly, Applicant submits that claims 9, 10, 12 and 13 are patentable over the cited reference. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,
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Enclosure: New Power of Attorney
Petition to Revive

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 7, 2004.



Ingrid Mittendorf